

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7386

Petition of Vermont Electric Power Company,     )  
Inc., and Vermont Transco, LLC, for authority     )  
to condemn easement rights in property interests     )  
of Sally R. Gazo and New England Federal     )  
Credit Union, located in Waterbury, Vermont,     )  
for the purpose of constructing the 115 kV     )  
transmission line portion of the so-called     )  
Lamoille County Project     )

Order entered: 10/27/2009

**ORDER CLOSING DOCKET**

**I. REPORT**

Vermont Electric Power Company, Inc., and Vermont Transco LLC (collectively, "VELCO") filed on December 11, 2007, a petition to condemn easement rights across land belonging to Sally R. Gazo and New England Federal Credit Union in Waterbury, Vermont. A prehearing conference was held on February 21, 2008. By letter filed on January 13, 2009, VELCO advised the Public Service Board ("Board") that VELCO and Ms. Gazo had resolved this matter and VELCO anticipated "filing a stipulated dismissal of the matter shortly."

On July 31, 2009, VELCO filed a motion for dismissal pursuant to V.R.C.P. 41(a)(2). No objection to this motion for dismissal has been filed by any party in this proceeding. In addition, it appears that the only prejudice arising from dismissal of this petition would be to the party seeking condemnation of Ms. Gazo's property (namely, VELCO) and that party is now requesting the dismissal. Therefore, I conclude that the petition for condemnation may be dismissed and this docket closed.

This decision is not adverse to the interest of any party; it therefore need not be circulated to the parties pursuant to 3 V.S.A. § 811. This report is made to the Public Service Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 27<sup>th</sup> day of October, 2009.

s/Ed McNamara

Edward McNamara  
Hearing Officer

**II. ORDER**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report of the Hearing Officer is accepted.
2. The motion to dismiss the petition to condemn is granted.
3. This docket shall be closed.

Dated at Montpelier, Vermont, this 27<sup>th</sup> day of October, 2009.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: October 27, 2009

ATTEST: s/Judith C. Whitney  
Deputy Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*